

PROPOSITION 75

Date: July 21, 2005

Public Employee Union Dues.

Restrictions on Political Contributions.

Employee Consent Requirement.

Initiative Statute.

Proponent: Lewis K. Uhler

BALLOT LABEL

**PUBLIC EMPLOYEE UNION DUES. RESTRICTIONS
ON POLITICAL CONTRIBUTIONS. EMPLOYEE CONSENT
REQUIREMENT. INITIATIVE STATUTE.**

Prohibits using public employee union dues for political contributions without individual employees' prior consent. Excludes contributions benefitting charities or employees. Requires unions to report political contributions to Fair Political Practices Commission. Fiscal Impact: Probably minor state and local government implementation costs, potentially offset in part by revenues from fines and/or fees.

**SUBJECT TO COURT
ORDERED CHANGES**

Proposition 75
Public Employee Union Dues. Required Employee Consent for
Political Contributions. Initiative Statute.

Yes/No Statement

A YES vote on this measure means: Public employee unions would be required to get annual, written consent from government employee union members and nonmembers to charge and use any dues or fees for political purposes.

A NO vote on this measure means: Public employee unions could charge and use dues or fees for political purposes without annual, written consent. Fees from a nonmember of a union could not be spent on political purposes if the nonmember objects.

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BALLOT MEASURE SUMMARY INFORMATION

Argument in favor against (circle one) of proposition # 75.

Include text of summary argument here (50 word maximum):

"Whom to Contact for More Information".

(This information will appear in the voter information guide)

Contact Name: _____

Organization: _____

Address: _____

Phone: _____

E-mail: _____

Web site: _____

Californians for Paycheck Protection

1500 W. El Camino Ave. #113

Sacramento, CA 95833

916-786-8163

info@caforpaycheckprotection.com

www.caforpaycheckprotection.com

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Proposition 75 protects public employee union members from having political contributions taken from their paychecks without their permission.

Currently public employee union members are *forced to contribute* their hard earned money to political candidates or issues they may oppose.

Yes on Proposition 75 will make those contributions voluntary, NOT mandatory.

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BALLOT MEASURE SUMMARY INFORMATION

Argument in favor against (circle one) of proposition # 75

Include text of summary argument here (50 word maximum):

Prop. 75 is unfair to teachers, nurses, police and firefighters. It makes them play by different rules than big corporations. It's unnecessary. The U.S. Supreme Court says no public employee can be forced to join a union and contribute to politics. It's sponsored by corporations who oppose unions.

"Whom to Contact for More Information".

(This information will appear in the voter information guide)

Contact Name: Shawnda Westly
Organization: The Strategy Group
Address: 35 S. Raymond Ave. #405
Pasadena, CA 91105
Phone: 626/535-0710
E-mail: info@prop75No.com
Web site: www.prop75No.com

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OFFICIAL TITLE AND SUMMARY
PREPARED BY THE ATTORNEY GENERAL

BALLOT TITLE AND SUMMARY

**PUBLIC EMPLOYEE UNION DUES. RESTRICTIONS ON
POLITICAL CONTRIBUTIONS. EMPLOYEE CONSENT
REQUIREMENT. INITIATIVE STATUTE.**

- Prohibits the use by public employee labor organizations of public employee dues or fees for political contributions except with the prior consent of individual public employees each year on a specified written form.
- Restriction does not apply to dues or fees collected for charitable organizations, health care insurance, or other purposes directly benefitting the public employee.
- Requires public employee labor organizations to maintain and submit records to Fair Political Practices Commission concerning individual public employees' and organizations' political contributions.
- These records are not subject to public disclosure.

**Summary of Legislative Analyst's Estimate of
Net State and Local Government Fiscal Impact:**

- Probably minor state and local government implementation costs, potentially offset in part by revenues from fines and/or fees.

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Proposition 75**Public Employee Union Dues. Required Employee Consent for Political Contributions. Initiative Statute.****Background**

Unions for Government Employees. Groups of government employees—like employees in the private sector—can choose to have a union represent them in negotiations with their employers over salaries, benefits, and other conditions of employment. Individual government employees may choose whether or not to join the union that represents their group of employees. A union's negotiations affect all employees in the group—both members and nonmembers of the union. As a result, members of the group—whether they join a union or not—typically pay a certain level of dues and/or fees to a union for these bargaining and representation services.

Use of Union Dues or Fees for Political Purposes. A union of government employees may engage in other types of activities unrelated to bargaining and representation. For instance, public employee unions may decide to charge additional dues for various political purposes, including supporting and opposing political candidates and issues. Any fees collected from a nonmember of a union cannot be used for these types of political purposes if the nonmember objects. Each year, unions must publicly report what share of their expenditures was for political purposes.

Proposal

This measure amends state statutes to require public employee unions to get annual, written consent from a government employee in order to charge and use that

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employee's dues or fees for political purposes. This requirement would apply to both members and nonmembers of a union. The measure would also require unions to keep certain records, including copies of any consent forms.

Fiscal Effects

The state and local governments could experience some increased costs to implement and enforce the consent requirements of the measure. The amount of these costs is probably minor. Some of these costs could be partially offset by increased fines for not complying with the measure's provisions and/or fees charged by government agencies to cover the costs of processing payroll deductions for union dues and fees.

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PROPOSITION 75 PROTECTS PUBLIC EMPLOYEES FROM HAVING
POLITICAL CONTRIBUTIONS TAKEN FROM THEIR PAYCHECKS WITHOUT
THEIR PERMISSION.

There's a FUNDAMENTAL UNFAIRNESS IN CALIFORNIA:

- Hundreds of thousands of public employee union members are *forced to contribute* their hard earned money to political candidates or issues they may oppose.
- Powerful and politically connected union leaders — a small handful of people — make unilateral decisions with these “forced contributions” to fund political campaigns *without their members' consent*. The workers have no choice — money is automatically deducted from their paychecks.

Firefighters, police officers, teachers and other public employees work hard for the people of California and we owe them a huge debt for the work they do on our behalf. *That's why it's only fair that public employees give their permission before their hard earned dollars are taken from their paychecks and given to politicians and political campaigns.*

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Many public employee union members don't support the political agenda of the union bosses and it's not right that they are forced to contribute to political candidates and campaigns they oppose:

- Campaign finance records document that several public employee unions have spent more than \$2 million to qualify a ballot measure that would raise property taxes by billions of dollars — rolling back Proposition 13 protections.
- Many members of these unions may oppose this, but the union leaders just take the money and spend it even though individual union members may disagree.

That's not right and it's not fair.

HERE'S WHAT ACTUAL UNION MEMBERS SAY:

"I've been a public school teacher for 20 years. I joined the union when I started teaching because of the benefits it provided and I've always been a proud member. However, despite the many good things the union does, it forces me to contribute a portion of my dues to political candidates and campaigns I often disagree with. *That's simply unfair.* I want to be a member of the teachers

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union, but I don't want to be forced to contribute my money to the union leaders' political agenda."

Diane Lenning, Huntington Beach

"I'm a member of the largest state employee union. I believe in the union and what it does. It supports me in many ways, but I don't need it spending a portion of my dues for political purposes. If I want to make a political contribution to a candidate it should be voluntary, not mandatory."

Jim Prunty, Glendora

PROPOSITION 75 — IT'S COMMON SENSE.

Here's what it'll do:

- *Give public employees the same choices we all have.*
- *Require public employee unions to obtain annual written consent from members before their dues are automatically deducted for political purposes.*
- *Allow government employees to decide when, how, and if their hard earned wages are spent to support political candidates or campaigns.*

Proposition 75 will NOT prevent unions from collecting political contributions, but those contributions will be VOLUNTARY, NOT MANDATORY.

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ARGUMENT IN FAVOR OF PROPOSITION 75

Vote YES on Proposition 75.

Give California workers the *freedom* and *choice* we all deserve and help restore union members' political rights.

Learn more, visit www.caforpaycheckprotection.com.

Milton Friedman, Nobel Prize Winner

Lewis Uhler, President, National Taxpayer Limitation Committee

Allan Mansoor, Member of Association of Orange County Deputy Sheriffs

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REBUTTAL to Argument in Favor of Proposition 75

PROPOSERS ARE ONLY *PRETENDING* TO PROTECT WORKERS

Prop. 75's sponsor, Lewis Uhler, told the San Francisco Chronicle on June 8th that he designed 75 to target public employees because of their "greed" and "arrogance." Uhler and the big corporations funding 75 aren't trying to protect workers—they're trying to silence them.

WORKERS ALREADY ARE PROTECTED

The U.S. Supreme Court says no public employee can be forced to join a union and contribute dues to politics. Union members already elect their own leaders and participate in internal decisions. Of course, not every member agrees with every decision of the group. That's democracy.

PROP. 75 IS NOT ABOUT FAIRNESS

"This year, our kids' schools are under attack by an initiative paid for by big corporations. It permanently cuts annual school funding by \$4 billion.

"Prop. 75 limits teachers' ability to fight this harmful proposal through our unions, but does nothing to limit the big developers and banks behind this attempt to cut school funding.

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REBUTTAL TO ARGUMENT IN FAVOR OF

PROPOSITION 75

"Prop. 75 is designed to make us spend time and money on a government-imposed bureaucratic process instead of fighting for our schools and our kids."

- Heidi Chipman, Teacher, Kramer Middle School

Others will lose. Nurses fighting for hospital staffing protections... Police and Firefighters fighting against elimination of survivor benefits for those who die in the line of duty. *They are restricted under Prop. 75, but their opponents are not.*

Please stop this unfair attack on teachers, nurses, police and firefighters. Vote NO on Prop. 75.

Visit www.prop75NO.com.

~~REDACTED~~ Lieutenant Ron Cottingham, President, Peace Officer's Research Association of California

Mary Bergan, President, California Federation of Teachers

Deborah Burger, President, California Nurses Association

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~~ARGUMENT IN OPPOSITION TO PROPOSITION 75~~

Prop. 75 is unnecessary and unfair. Its hidden agenda is to weaken public employees and strengthen the political influence of big corporations.

Prop. 75 does *not* protect the rights of teachers, nurses, police and firefighters. Instead it's designed to reduce their ability to respond when politicians would harm education, health care and public safety.

In 1998, voters rejected a similar proposition and union members voted NO overwhelmingly.

TARGETS TEACHERS, NURSES, FIREFIGHTERS AND POLICE

Why does 75 target people who take care of all of us?

Recently, teachers fought to restore funding the state borrowed from our public schools, but never repaid. Nurses battled against reductions in hospital staffing to protect patients. Police and firefighters fought against elimination of survivor's benefits for families of those who die in the line of duty.

Prop. 75 is an unfair attempt to diminish the voice of teachers, nurses, firefighters and police at a time when we need to hear them most.

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Prop. 75 *only* restricts public employees. It does *not* restrict corporations—even though corporations spend shareholders' money on politics. The nonpartisan Center for Responsive Politics says corporations already outspend unions in politics nationally by 24 to 1. Prop. 75 will make this imbalance even worse.

CURRENT LAW *ALREADY* PROTECTS WORKERS

No public employee in California can be forced to become a member of a union. Non-members pay fees to the union for collective bargaining services, but the U.S. Supreme Court has consistently ruled that unions cannot use these fees for political purposes. The union must send financial statements to the worker to ensure that no unauthorized fees are used for politics. Today, 25% of state employees contribute no money to their union's political activities.

Union members already have the right to democratically vote their leaders into and out of office and to establish their own internal rules concerning political contributions. *Prop. 75 takes away union members right to make their own decisions and substitutes a government-imposed bureaucratic process.*

VIOLATES EMPLOYEES' PRIVACY

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Prop 75 requires members who want to participate to sign a government-imposed personal disclosure form that could be circulated in the workplace. This form, with personal information about employees and their political views, could be accessed by a state agency—an invasion of individual privacy which could raise the possibility of intimidation and retaliation against employees on the job.

WHO'S BEHIND PROP. 75?

Its lead sponsor is Lewis Uhler, a former John Birch Society activist, who campaigned for Bush's Social Security privatization plan.

It's funded by the deceptively-named Small Business Action Committee, which is financed by large corporations.

Backers of 75 say they want to protect workers rights, but *that's not true*. They're *against* the minimum wage, *against* protecting employee health care, *against* the 8 hour day. Backers of 75 aren't for working people, they want to silence working people who stand against them.

VOTE NO ON 75

Please help stop this unfair attempt to apply restrictions to teachers, nurses, firefighters,

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police and sheriffs that would apply to no one else.

Lou Paulson, President, California Professional Firefighters

Barbara Kerr, President, California Teachers Association

local president,

Sandra Marques, RN, [^]United Nurses Associations of California

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REBUTTAL TO ARGUMENT AGAINST

PROPOSITION 75

Despite what union leaders would like you to believe, public opinion surveys show that nearly 60% of union households SUPPORT PROPOSITION 75.

Proposition 75 is NOT about the political influence of unions or corporations — it's simply about INDIVIDUAL CHOICE.

A non-partisan employee rights group measured the results of a *Paycheck Protection* measure in Washington State. Its findings showed that *85% of teachers chose NOT to participate in their union's political activities.*

Consider the recent actions by the prison guard union and teacher union — is this fair?

Despite opposition from more than 4,000 prison guards, their union increased dues by \$18 million over two years to pay for political campaigns and to give to politicians.

WITHOUT A VOTE OF THE MEMBERSHIP, the teachers union recently increased dues by \$50 million over three years in order to fund political campaigns.

This is NOT a fair choice — it's not what our teachers, police officers, firefighters and other public employees deserve.

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REBUTTAL TO ARGUMENT AGAINST

PROPOSITION 75

YES ON 75 will simply ask public employee union members for their approval before automatically deducting money for political purposes.

Proposition 75 will NOT prevent unions from collecting political contributions, but those contributions will be VOLUNTARY, NOT MANDATORY. It will hold public employee union leaders more ACCOUNTABLE to their membership.

There are no hidden agendas. No power grabs. Just protecting workers' rights.
Read the official Title and Summary for yourself — it's really that simple.

VOTE YES ON 75 — let individuals, not union leaders, decide whether their dues should be spent on politics.

James Galley, ~~Member~~ and Past Vice President, AFSCME/AFL-CIO, Local 127

Archie Caughell, Member, Service Employees International Union

Pamela Smith, Member, California Teachers Association

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This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds sections to the ~~California Constitution and the~~ Government Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

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SA2005RF0009

SECTION 10 Title.

This measure shall be known as "The Public Employees' Right to Approve Use of Union Dues for Political Campaign Purposes Act."

SEC. 2. Findings and Declarations.

The People of the State of California find and declare as follows:

(a) Public employees are generally required to join a labor organization or pay fees to the labor organization in lieu of membership.

(b) Public employee labor organizations operate through dues or fees deducted from their members' salaries which are paid from public funds.

(c) Routinely these dues or fees are used in part to support the political objectives of the labor leaders in support of state and local legislative candidates and ballot measures. Public employees often find their dues or fees used to support political candidates or ballot measures ^{with which} they do not agree ~~with~~.

(d) It is fundamentally unfair to force public employees to give money to political activities or candidates they do not support.

(e) Because public money is involved, the public has a right to ensure that public employees have a right to approve the use of their dues or fees to support the political objectives of their labor organization.

(f) To ensure that public employees have a say whether their dues or fees may be used for political campaign purposes, it is fair and just to require that their consent be obtained in advance.

SEC. 3. Purpose and Intent.

In enacting this measure, it is the intent of the people of the State of California to guarantee the right of public employees to have a say whether their dues and fees may be used for political campaign purposes.

SEC. 4. Chapter 5.9 (commencing with section 85990) is added to Title 9 of the Government Code to read:

CHAPTER 5.9.

85990. (a) No public employee labor organization may use or obtain any portion of dues, agency shop fees, or any other fees paid by members of the labor organization, or individuals who are not members, through payroll deductions or directly, for disbursement to a committee as defined in section 82013, subdivision (a) ^{of} except upon the written consent of the member or

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individual who is not a member received within the previous 12 months on a form described by subdivision (c) signed by the member or non-member and an officer of the union.

(b) Subdivision (a) does not apply to any dues or fees collected from members of the labor organization, or individuals who are not members for the benefit of charitable organizations organized under Title 26 United States Code, section 501(c)(3), or for health care insurance, or similar purposes intended to directly benefit the specific member of the labor organization or individual who is not a member.

(c) The authorization referred to in subdivision (a) shall be made on the following form, the sole purpose of which is the documentation of such authorization. The form's title shall read, in at least 24-point bold type, "Consent for Political Use of Dues/ Fees or Request to Make Political Contributions" and shall state, in at least 14-point bold type, the following specific text.

Hal
"Signing this form authorizes your union to use the amount of \$____.00 from each of your dues or agency shop fee payments during the next twelve months as a political contribution or expenditure." ☐ 12

Signing this form requests your union to make a deduction of \$____.00 from each of your dues or agency shop fee payments during the next twelve months as a political contribution to the [name of the committee]. ☐ 12

Check applicable box.

(Name of Employee)

(Union Officer)

(Name of Union)

(Date)

(Date)

(Signature)

(Signature)

(d) Any public employee labor organization that uses any portion of dues, agency shop fees, or other fees to make contributions or expenditures under subdivision (a) shall maintain records that include a copy of each authorization obtained under subdivision (c), the amounts and dates funds were actually withheld, the amounts and dates funds were transferred to a committee, and the committee to which the funds were transferred. Records maintained under this subdivision shall not include the employee's home address or telephone number.

(e) Copies of all records maintained under subdivision (d) shall be sent to the commission on request but shall not be subject to the California Public Records Act (Chapter 3.5 (commencing with section 6250) of Division 7, Title 1 of the Government Code).

(f) Individuals who do not authorize contributions or expenditures under subdivision (a) may not have their dues, agency shop fees, or other fees raised in lieu of the contribution or expenditure.

(g) If the dues, agency shop fees, or other fees referred to in subdivisions (a) and (d) included an amount for a contribution or expenditure, the dues, agency shop fees, or other fees shall be reduced by that amount for any individual who does not sign an authorization as described under subdivision (a).

(h) The requirements of this section may not be waived by the member or individual and waiver of these requirements may not be made a condition of employment or continued employment.

(i) For the purposes of this section, "agency shop" has the same meaning as defined in subdivision (a) of Section 3502.5 of the Government Code on April 1, 1997.

(j) For the purposes of this section, "public employee labor organization" means a labor organization organized for the purpose set forth in subdivision (a) of Section 12926 of the Government Code on April 1, 1997.

SEC. 5. This measure shall be liberally construed to accomplish its purposes.

SEC. 6. In the event that this measure and another measure or measures relating to the consent of public employees to the use of their payroll deductions or dues being used for political contributions or expenditures without their consent shall appear on the same statewide election ballot, the provisions of the other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measures shall be null and void.

SEC. 7. If any provision of this ^{measure} or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions are severable.

SEC. 8. If this measure is approved by the voters but is superseded by another measure on the same ballot receiving a higher number of votes and deemed in conflict with this measure, and the conflicting measure is subsequently held invalid, it is the intent of the voters that this measure become effective.

55C;
4 SECTION 9. This measure may be amended to further its purposes by a bill passed by a two-thirds vote of the membership of both houses of the Legislature and signed by the Governor, provided that at least 14 days prior to passage in each house, copies of the bill in final form shall be made available by the clerk of each house to the public and the news media.

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